

**LOCAL PLANNING AGENCY  
OCTOBER 10, 2001**

**1. ROLL CALL**

The meeting was called to order at 7:48 p.m. Board members present were Chair Jay Stahl, Vice-Chair Mike Bender, Edna Moore, and Mimi Turin. Also present were Attorney A. Thomas Connick, Development Services Director Mark Kutney, Planner Chris Gratz and Board Secretary Janet Gale recording the meeting.

Chair Stahl indicated that there had been a request to take item 2.2 out of order.

Vice-Chair Bender made a motion, seconded by Ms. Turin, to take item 2.2 out of order. In a voice vote, with Mr. Waitkus being absent, all voted in favor. **(Motion carried 4-0)**

**2. PUBLIC HEARING**

*Text Amendments*

2.2 ZB (TXT) 4-2-01, Struc. Tech Engineering, Inc./St Philips Orthodox Church, 4870 Griffin Road

Robert Suade, representing the petitioner, was present. Mr. Gratz read the planning report (Planning and Zoning Division's recommendation: approval).

Chair Stahl asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair Bender made a motion, seconded by Ms. Moore, to approve. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - absent. **(Motion carried 4-0)**

2.1 ZB (TXT) 7-1-01, Town of Davie **(tabled from September 12, 2001)**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, DELETING SECTION 12-34(B), ENTITLED "AGRICULTURE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB (TXT) 7-1-01, Town of Davie)

Mr. Kutney, representing the petitioner, was present. He reviewed the format of a spread sheet report which indicated the existing ordinance language, the proposed language, the Town Attorney's comments, staff's comments, and staff's recommendations.

Mr. Connick distributed the Town Attorney's Office memorandum dated September 28, 2001, which stated the Town Attorney's position in this matter. He provided a brief history on the evolvement and necessity of the Right to Farm Act regarding "nuisance" operations of existing farms as viewed by encroaching development. He emphasized that the Attorney's Office opined that a municipality could have these regulations under Section 12-34; however, whether or not a municipality chose to have these regulations, was a policy decision to be made by the Town Council. The Board methodically reviewed the spread sheet report with Mr. Kutney clarifying the staff's recommendations on each of the subsections. He summarized that staff was in agreement with all but two issues and those exceptions were: whether or not the Town had the ability to enforce and/or regulate by virtue of zoning; and activities which could cause problems with drainage, which would at least need to be reviewed by the South Florida Water Management District.

Chair Stahl requested that Julie Aitken provide the opposing viewpoint. She distributed a letter dated October 8, 2001, which was a response to the Town Attorney's memorandum of September 28th.

The Agency recessed at 8:23 p.m. and reconvened at 8:30 p.m.

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Ms. Aitken presented her argument and contended that "the Town Attorney was simply looking at the wrong law." She maintained that the Land Development Code was governed by Chapter 163 of the Florida Statutes which was the Local Government Comprehensive Planning and Land Development Act. Ms. Aitken explained agriculture was regulated by State environmental statutes, water management, and the Town's nuisance Code. She cited discrepancies in the current ordinance and provided examples of why it needed to be changed. Mr. Connick advised that the Town Attorney's Office would be supplying Council with a comment concerning Schultz v Love. This issue was debated at length in which Ms. Aitken maintained the recommendation that the ordinance should be deleted in its entirety and simultaneously replaced with a new version.

Chair Stahl asked if anyone wished to speak for or against this item.

Arthur Hurley, 4601 SW 128 Avenue, was in support of amending the Town's Code by deleting Section 12-34(B).

Fred Siegel, 5400 South University Drive, spoke in favor of amending the Town's Code.

Jason Curtis, 3801 Flamingo Road, spoke in favor of amending the Town's Code.

As there were no other speakers, the public hearing was closed.

Vice-Chair Bender made a motion, Chair Stahl passed the gavel and seconded, to delete 12.34(B) with the stipulation that a suitable compromise between the Town and the agricultural community be reached.

During the discussion that followed, Vice-Chair Bender amended his motion, seconded by Chair Stahl who had passed the gavel, to delete Section 12-34(B) with the stipulation that as they [Town Council] deleted this ordinance, simultaneously, a new one would be installed in its place. In a roll call vote, the vote was as follows: Chair Stahl - yes; Vice-Chair Bender - yes; Ms. Moore - yes; Ms. Turin - yes; Mr. Waitkus - absent. **(Motion carried 4-0)**

**3. OLD BUSINESS**

There was no old business discussed.

**4. NEW BUSINESS**

There was no new business discussed.

**5. COMMENTS AND/OR SUGGESTIONS**

There were no comments and/or suggestions made.

**6. ADJOURNMENT**

There being no further business and no objections, the meeting was adjourned at 9:08 p.m.

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Chair/Board Member

